

REMARKS

Claims 21-28 are allowed. Claims 1-7 are cancelled because they are directed at a non-elected invention. No claims are amended. Reconsideration and allowance of claims 8-20 is requested in light of the following remarks.

Allowable Subject Matter

Claims 21-28 are allowed.

Claims 15, 16 and 18-20 are objected to as being dependent upon a rejected base claim, but are indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. At this time, the applicant wishes to maintain claims 15, 16 and 18-20 in their present form so that the arguments presented below in regard to claim 12 may be fully considered.

Specification

The title is objected to as not being descriptive of the invention. The title is thereby amended. It is believed that the new title is now sufficiently descriptive, and that the objection is overcome.

Claim Rejections – 35 U.S.C. § 102

Claims 8-10, 12-14 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,472,303 to Weon, et al. ("Weon"). The applicant disagrees.

In order to anticipate a claim, a single reference must show the *identical invention* in as complete detail as contained in the claim. MPEP 2131, emphasis added.

Claim 8 recites forming a selective epitaxial silicon layer on the contact pads exposed through the contact holes to cover the insulating mask layer pattern. It is alleged that Weon discloses a selective epitaxial silicon layer 55, contact pads 49, contact holes 53, and an insulating mask layer pattern 45 (FIGs. 9-13) that have the recited relationship.

To the contrary, Weon states that "[r]eferring to FIG. 13, a second episilicon layer 55 is grown on the first episilicon layer 49 on the lower parts of the landing plug contact hole 53" (column 5, lines 7-9). Weon's FIG. 13 shows that the alleged selective epitaxial silicon layer 55 is grown to the same level as, but *does not cover*, the alleged insulating mask layer pattern 45 (emphasis added).

Consequently, Weon fails to anticipate claim 8 because it does not show the identical invention in as complete detail as contained in the claim. MPEP 2131.

Claims 9-10 depend from claim 8, and inherently contain the features of claim 8. Consequently, Weon also fails to anticipate claims 9-10 because it does not show the identical invention in as complete detail as contained in the claim. MPEP 2131.

Claim 12 recites forming a selective epitaxial silicon layer on the one of the at least two self-aligned contact pads to cover the insulating mask layer pattern. It is alleged that Weon discloses a selective epitaxial silicon layer 55, contact pads 49, and an insulating mask layer pattern 45 (FIGs. 9-13) that have the recited relationship.

To the contrary, Weon states that "[r]eferring to FIG. 13, a second episilicon layer 55 is grown on the first episilicon layer 49 on the lower parts of the landing plug contact hole 53" (column 5, lines 7-9). Weon's FIG. 13 shows that the alleged selective epitaxial silicon layer 55 is grown to the same level as, but *does not cover*, the alleged insulating mask layer pattern 45 (emphasis added).

Consequently, Weon fails to anticipate claim 12 because it does not show the identical invention in as complete detail as contained in the claim. MPEP 2131.

Claims 13-14 and 17 depend from claim 12, and inherently contain the features of claim 12. Consequently, Weon also fails to anticipate claims 13-14 and 17 because it does not show the identical invention in as complete detail as contained in the claim. MPEP 2131.

Claim Rejection – 35 U.S.C. § 103

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Weon in view of U.S. Patent No. 6,468,853 to Balasubramanian, et al. ("Balasubramanian"). The applicant disagrees.


Claim 11 depends from independent claim 8. As explained above, Weon fails to teach all the features recited in claim 8. Furthermore, Balasubramanian does not teach the feature of claim 8 that Weon fails to teach. Thus, the Weon/Balasubramanian combination fails to establish *prima facie* obviousness for claim 8. MPEP 2143.03. Consequently, the Weon/Balasubramanian combination fails to establish *prima facie* obviousness for claim 11 because any claim that depends from a nonobvious independent claim is also nonobvious. MPEP 2143.03.

Conclusion

For the foregoing reasons, reconsideration and allowance of claims 8-28 of the application is requested. Please telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,

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